

- All communications respecting this case should identify it by number and names of parties.



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BOARD OF PATENT APPEALS  
AND INTERFERENCES

Applicant: Higuchi  
Serial No.: 07/695,201  
Filed: 05/02/91  
For: HOMOGENEOUS METHODS FOR  
NUCLEIC ACID AMPLIFICATION AND  
DETECTION  
Accorded Benefit of: None

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., effective February 11, 1985 (49 F.R. 48416; 1050 O.G. 385). The interference is designated as No. 103,489

By direction of the Commissioner of Patents and Trademarks and as required by 35 USC 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

The cases involved in this interference are:

Junior Party

Applicant: Russell G. Higuchi  
Address: 552 Melrose Ave., San Francisco, CA 94177  
Serial No.: 07/695,201 filed 05/02/91  
For: HOMOGENEOUS METHODS FOR NUCLEIC ACID AMPLIFICATION  
AND DETECTION  
Assignees: None  
Attorneys of Record: Gregory J. Giotto, Philip L. McGarrigle,  
Kevin R. Kaster and Stacey R. Sias  
Associate Attorney: George M. Gould  
Accorded Benefit of: None  
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Hoffmann-La Roche Inc.  
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Nutley, NJ 07110

Senior Party

Applicant: Yasutami Mitoma  
Address: 4-26-5, Shonandai, Fujisawa-Shi, Kanagawa 252  
Japan  
Serial No.: 08/169,752 filed 12/20/93  
For: METHOD FOR DETECTING OR QUANTIFYING TARGET NUCLEIC  
ACID

Assignees: None

Attorneys of Record: Norman F. Oblon, Marvin J. Spivak, C. Irvin McClelland, Gregory J. Maier, Arthur I. Neustadt, Robert C. Miller, Richard D. Kelly, James D. Hamilton, Eckhard H. Kuesters, Robert T. Pous, Charles L. Gholz, Vincent J. Sunderdick, William E. Beaumont, Steven B. Kelber, Stuart D. Dwork, Robert F. Gnuse, Jean-Paul Lavalleye, William B. Walker, Timothy R. Schwartz, Stephen G. Baxter, Gilberto M. Villacorta and John H.O. Clarke

Associate Attorney: None

Accorded Benefit of: U.S. Serial No. 07/784,888 filed 10/30/91 and Japanese Application 294305/90 filed 10/31/90

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Oblon, Spivak, McClelland,  
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Count 1

A method for detecting a target nucleic acid in a sample, comprising the steps of:

amplifying a region of said target nucleic acid by polymerase chain reaction method in the presence of a fluorescent pigment whose fluorescence intensity is increased upon intercalation into a double-stranded nucleic acid; and

measuring the fluorescence intensity of said fluorescent pigment before and after said polymerase chain reaction, whereby an increase in fluorescence intensity is indicative of the presence of said target nucleic acid or

a method for quantifying a target nucleic acid in a sample, comprising the steps of:

amplifying a region of said target nucleic acid by polymerase chain reaction method in the presence of a fluorescent

pigment whose fluorescence intensity is increased upon intercalation into a double-stranded nucleic acid;

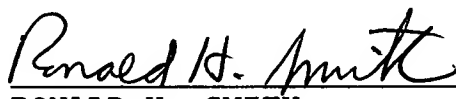
monitoring the fluorescence intensity of said fluorescent pigment during said polymerase chain reaction; and

determining the quantity of said target nucleic acid in said sample.

The claims of the parties which correspond to this count are:

RHS Higuchi ~~X~~: Claims 2, 3, 7, 8, 10-14, 16-24, 26, 27

Mitoma ~~X~~: Claims 1, 2, 4-22

  
RONALD H. SMITH  
Administrative Patent Judge  
(703) 603-3341

RHS/dal